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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,367	07/18/2000	Stan Jiman	APLE.P0005	8886
23349	7590	09/21/2004	EXAMINER	
STATTLER JOHANSEN & ADELI P O BOX 51860 PALO ALTO, CA 94303			LAO, SUE X	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/618,367

Applicant(s)

JIRMAN ET AL.

Examiner

S. Lao

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/7/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DTAILED ACTION

1. Claims 1-25 are pending. This action is in response to the amendment filed 6/7/2004. Applicant has amended claims 1, 3, 5, 10, 11, 14, 16, 19 and 21 and added claims 23-25.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

(1) The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to adequately teach the claimed limitation "said event object ... executing independent of said application" as recited in claims 1, 19 and 21.

In the application as filed, there does not appear to be any detailed descriptions or disclosure of an event object executing independent of the application. Instead, as disclosed in the application as filed, it is the event logging mechanism, ie, the entity which creates the event objects, rather than the event objects created, that executes independent of the application whose events are being logged. See application as filed, page 4, lines 4-5, 8-10 and page 13, lines 12-15. Further as disclosed, an event object is a storage entity which stores event data to be accessed later for analysis. See application as filed, page 7, line 25 – page 8, line 1 and page 13, line 25 - page 14, line 10. In other words, the event object is not an executable entity. Applicant fails to disclose "said event object ... executing independent of said application" in the specification as filed.

Claims 1-9, 19-22 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as

to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant recites "said event object ... executing independent of said application" in claims 1, 19 and 21. There does not appear to be a written description of the claimed limitation in the application as filed, for the reasons set forth in the objection to the specification.

(2) The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to adequately teach the claimed limitation "a third event-logging application" as recited in claim 23.

In the application as filed, there does not appear to be any detailed descriptions or disclosure of an event-logging application. Throughout the specification as filed, applicant discloses the event logging functionality is implemented by an event logging mechanism or an event logging center 310, which is built within a foundation layer or the operating system on which the applications run. See, for example, application as filed, page 6, line 19 – page 7, line 8; page 13, lines 10-14. Clearly as disclosed, the event logging functionality is not implemented as an application.

Claims 23-25 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant recites "a third event-logging application" in claims 23-25. There does not appear to be a written description of the claimed limitation in the application as filed, for the reasons set forth in the objection to the specification.

4. Claims 24, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 recites "the event object" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites "said third even-logging mechanism" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

5. Claims 10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Niemi et al (U S Pat. 6,470,388).

As to claim 10, Nock teaches a system comprising:

a foundational layer (logging service layer 316, 318, network communication facility 332, 334, and centralized logger 236) upon which applications (network management applications 208a, 208b) are built and executed (fig. 3); and

an event logging mechanism (logging service layer 316, 318, and centralized logger 236) executing independent of said applications [It is noted that getting debug objects or states does not involve actions of an application program, col. 14, lines 46-63; col. 15, lines 43-48], said mechanism for generating an event log (record or data entry 514) for any of said applications without referencing any event logs of said applications [it is noted that the production of record 514 does not reference any event logs of the applications]. See col. 11, line 53 – col. 12, line 61.

As to claim 13, Niemi teaches the foundational layer includes a programmable framework (libraries to implement logging service layer, col. 6, lines 55-67).

6. Claims 12, 23, 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi et al.

As to claim 12, Niemi teaches the foundational layer includes network communication functionality (332, 334) which is typically provided by an operating system. Therefore, it would have been obvious to include an operating system into the foundational layer of Niemi.

As to claim 23, Niemi teaches a system comprising:

a foundational layer (logging service layer 316, 318, network communication facility 332, 334, and centralized logger 236) upon which applications (network management applications 208a, 208b) are built and executed (fig. 3; col. 11, line 53 – col. 12, line 61),

a first application (network management applications 208a, 208b) for executing on said foundational layer (fig. 3),

a second application (network management applications 208a, 208b) for execution on said foundational layer (fig. 3),

a third event-logging application for execution on said foundational layer (application with enabled debug object) / an event logging mechanism (logging service layer 316, 318, and centralized logger 236), for functioning interoperably with (enable/disable state of a debug object) but separately (separate address spaces, fig. 3) from said first and second applications, and for generating an event log (log file 506 containing records 514) for either of said first and second applications (application with its corresponding debug object enabled). See col. 8, lines 11-43; col. 11, line 1 – col. 12, line 29.

Niemi teaches only when an application's debug object is enabled, the application's event data is logged, generating an event log. Col. 8, lines 11-43; col. 11, line 1 – col. 12, line 29. Therefore, it would have been obvious that in Niemi at least one of said first and second applications does not generate an event log, ie, when its debug object is not enabled. Regarding 'event-logging application', note section 3 of this office action.

As to claim 24, Niemi teaches storing, for each event to be logged, a temporal attribute (time stamp 516) of the event in the event object (record 514) associated with the event. See fig. 5 and denoting text.

7. Claims 1-3, 11, 14-16, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi et al as applied to claim 10, in view of Nock (U S Pat. 6,144,967).

As to claim 11, Niemi teaches the event logging mechanism logs start time (time stamp 516) and other event information (fields 518, 520, 522, 524) into an event object (record or data entry 514) for every event to be logged. Col. 12, lines 11-15.

Niemi does not teach logging end time.

Nock teaches for every event, logging an end time (end section event) in addition to a start time (begin section event). Col. 13, line 9 – col. 14, line 13. therefore, it would have been obvious to also log end time in Niemi. One of ordinary skill in the art would have been motivated to combine the teachings of Niemi and Nock because this would allowed customization of event logging and analysis (col. 2, lines 9-20)) for each application of Niemi.

As to claim 14, Niemi teaches the event logging mechanism can be turned on (set state of the debug object to disabled) and then off (set state of the debug object to disabled) from beyond the execution space of said applications within said foundation layer (from centralized logging facility). See col. 11, lines 24-44; col. 14, lines 1-45).

As to claim 15, Nock teaches turning on/off and configuring the event logging mechanism via a user interface (framework user initiates log analysis procedure via user interface, col. 15, lines 54-67). Therefore, it would have been obvious to turn on/off and configure the event logging mechanism via a user interface in Niemi. Browser is a well known type of user interface. Therefore, it would have been obvious to use a browser to implement the user interface of Nock. Note discussion of claim 11 for a motivation to combine.

As to claim 16, Niemi teaches the event logging mechanism generates a plurality of event objects (plurality of records 514 in log file 506, fig. 5) and is configured to analyze the event objects (access and review contents of log file) and present to the results via the user interface (fig. 6). See col. 13, lines 2-15. Note discussion of claim 15 for using a browser to implement the user interface.

As to claim 21, Niemi teaches an apparatus comprising:

means for creating (logging service layer 316, 318, network communication facility 332, 334, and centralized logger 236), for every event (event) to be logged that has not been logged [it is noted that Niemi does not disclose a prior logging step] within an application (application 208a, 208b), an event object (record 514), said event object occupying a memory space (database 504 / log file 506) (col. 12, lines 8-15);

means for logging (logging service layer 316, 318, and centralized logger 236) within said event object (record 514) the start time (time stamp 516) and other event information (fields 518, 520, 522, 524). Col. 12, lines 11-15.

Niemi does not teach logging end time.

Nock teaches for every event, logging an end time (end section event) in addition to a start time (begin section event). Col. 13, line 9 – col. 14, line 13. therefore, it would have been obvious to also log end time in Niemi. One of ordinary skill in the art would have been motivated to combine the teachings of Niemi and Nock because this would allowed customization of event logging and analysis (col. 2, lines 9-20)) for each application of Niemi.

Regarding the event object executing independent of said application, note section 3 of this action. In Niemi, the event logging mechanism (logging service layer 316, 318, and centralized logger 236) executes independent of the applications [It is noted that getting debug objects or states does not involve actions of an application program, col. 14, lines 46-63; col. 15, lines 43-48].

As to claim 1, it is a method claim of claim 21, and thus note claim 21 for discussion.

As to claims 2, 3, Niemi teaches checking, for each event identified by the application, whether event logging has been turned on (issue GetState() on debug object), creating and logging are performed for each event having event logging turned on (perform logging if state of the debug object is enabled), wherein a plurality of event objects are created (record 514) and logged (log file 516) for a plurality of events (402, 404, 406, 408). See col. 8, lines 9-42; col. 11, line 66 – col. 12, line 15.

As to claim 19, it is a program product claim of claim 1, thus note claim 1 for discussion.

8. Claim 17, 18, 20, 22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi et al in view of Nock as applied to claims 16, 19, 21, 23 and further in view of Ben-Natan et al (U S Pat. 5,740,354).

As to claims 17, 18, Niem as modified by Nock teaches (Nock) analyzing event objects based upon hierarchical grouping (perform_analysis() at log section or log levels, fig.s 17, 19 and denoting text) and aggregating event objects deemed identical based upon hierarchical grouping (multiple (0...n) log section objects, fig. 14 and denoting text).

Niem as modified by Nock does not teach contextual grouping of events. Ben-Natan teaches processing logged event data, including analyzing event data based on contextual grouping (related errors). See col. 14, lines 2-10. Therefore, it would have been obvious to analyze event objects/data based on contextual grouping in Niemi as modified. One of ordinary skill in the art would have been motivated to combine the teachings of Niemi as modified and Ben-Natan because this would have provided users of Niemi better understanding of events/errors via association. (Ben-Natan, col. 3, line 37 – col. 4, line 14).

As to claims 20, 22, 25, note the discussion of claim 17.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niem et al in view of Nock as applied to claim 3 and further in view of Sato et al (U S Pat. 5,819,094).

As to claim 4, Sato teaches event logging and analysis, including analyzing event objects after event logging is turned off in that a user analyzes the log data contained within the history diagram, after program execution, and thus recording of the log data / history diagram, are completed. Col. 2, lines 43-56; col. 9, lines 18-57. Therefore, it would have been obvious to analyze event objects after event logging is turned off in Niemi as modified. One of ordinary skill in the art would have been motivated to combine the teachings of Niemi as modified and Sato because this would have enhanced log analysis by using visual manipulation of the log data. (Sato, col. 3, lines 6-13).

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10. Applicant's arguments filed 6/7/2004 have been considered but are moot in view of the new ground(s) of rejection. Applicant amended claims have added limitations not previously recited, thus, requiring a new grounds of rejection.

Regarding the argued event to be logged that has not yet been logged, this is met by Niemi. Note discussion of claim 21 for detail.

Regarding the argued without referencing any event logs of the application (Remarks, page 14, lines 1-5), this is met by Niemi. Note discussion of claim 10 for detail.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (703) 305-9657. A voice mail service is also available at this number. The examiner's supervisor, SPE Meng-Ai An, can be reached on (703) 305 9678. The examiner can normally be reached on Monday - Friday, from 9AM to 5PM. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

September 10, 2004

A handwritten signature in cursive script, appearing to read "Sue Lao".

SUE LAO
PRIMARY EXAMINER